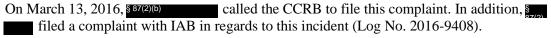
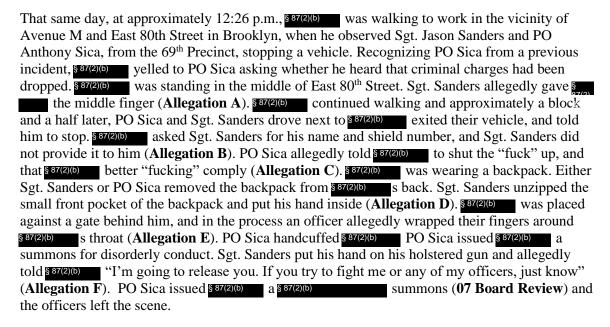
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	V	Force	$\overline{\mathbf{V}}$	Discourt.	☐ U.S.
Tessa Yesselman		Squad #12	201602084	Ø	Abuse		O.L.	☐ Injury
T. 11 (2)				Ļ		1.0), gov	Lagger
Incident Date(s)		Location of Incident:			Precinct:		Mo. SOL	EO SOL
Sunday, 03/13/2016 12:26 PM		Avenue M and East 80 Avenue North and Pae			69	9.	/13/2017	9/13/2017
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rec	eived at CC	RB
Sun, 03/13/2016 1:05 PM		CCRB	Call Processing System		Mon, 03/1	4/201	16 8:33 AN	1
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. An officer			069 PCT					
2. POM Anthony Sica	16031	953402	069 PCT					
3. SGT Jason Sanders	04663	937481	069 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Scott Mark	27345	950823	069 PCT					
2. POM Abdelhai Sahel	05775	957120	069 PCT					
Officer(s)	Allegatio	on			Inve	estiga	ator Recor	nmendation
A.SGT Jason Sanders	Discourtesy: In the vicinity of Avenue M and East 80th Street in Brooklyn, Sergeant Jason Sanders gestured discourteously toward § 87(2)(b)							
B.SGT Jason Sanders	Abuse: On Paerdegat Avenue North and Paerdegat 11th Street in Brooklyn, Sergeant Jason Sanders refused to provide his name and shield number to §87(2)(b)							
C.POM Anthony Sica	Discourtesy: On Paerdegat Avenue North and Paerdegat 11th Street in Brooklyn, PO Anthony Sica spoke discourteously to \$87(2)(5)							
D.SGT Jason Sanders	Abuse: On Paerdegat Avenue North and Paerdegat 11th Street in Brooklyn, Sgt. Jason Sanders searched \$87(2)(5)							
E. An officer	Force: On Paerdegat Avenue North and Paerdegat 11th Street in Brooklyn, an officer used a chokehold against § 87(2)(b)							
F.SGT Jason Sanders	Abuse: On Paerdegat Avenue North and Paerdegat 11th Street in Brooklyn, Sergeant Jason Sanders threatened § 87(2)(b) with the use of force.							

Case Summary





PO Scott Mark and PO Abdelhai Sahel arrived at the location post FADO allegations, and did not have any substantive interaction with \$87(2)(b)

a female civilian passerby, provided a telephone statement to the CCRB in regards to this incident, and refused to provide her last name or any further identifying information.

was issued a \$87(2)(b) summons as a result of this incident (07 Board Review).

There is no video evidence in regards to this case.

This case was originally assigned to Investigator Laura Kastner and was reassigned to Supervising Investigator Nicholas Carayannis on June 13, 2016, upon Investigator Kastner's promotion. This case was re-assigned to Investigator Tessa Yesselman on June 23, 2016. This case is being submitted past the 90-day benchmark due to multiple investigator reassignments.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(f), § 87(2)(e), [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On May 11, 2016, a Notice of Claim Inquiry returned negative results from the NYC Comptroller's Office.

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Civilian and Officer CCRB Histories

- \$87(2)(b) has four prior complaints with the CCRB \$87(2)(b)
- PO Sica has been a member of service for three years, with one previous allegation and no substantiation.
- Sgt. Sanders has been a member of service for eleven years and has five previous allegations, with three allegations of physical force, and no substantiations.

Findings and Recommendations

Explanation of Subject Officer Identification

- stated that he was wearing a backpack, and that either PO Sica or Sgt. Sanders removed the backpack and unzipped the small front pocket. Str(2)(b) could not recall which officer did this (01 Board Review). PO Sica stated that Str(2)(b) s backpack was removed from Str(2)(b) and opened, but could not recall whether he or Sgt. Sanders did this (04 Board Review). Stated that one of the officers opened str(2)(b) s backpack, and described the officer as a tall white man in his 40's who seemed to be in charge of the scene, which matches Sgt. Sanders description. Str(2)(g)
- alleged that he was pushed against the fence, and in the process of being pushed, an officer wrapped their fingers around his neck. could not ascribe this action to either PO Sica or Sgt. Sanders (01 Board Review). Both PO Sica (04 Board Review) and Sgt. Sanders (03 Board Review) denied making any contact with sence or throat. The investigation was unable to determine the identity of the officer who allegedly wrapped their fingers around services is neck, services

Allegations not pleaded

- § 87(2)(g)
- **Abuse of Authority:** \$87(2)(b) alleged that he asked PO Sica for his name, and that PO Sica replied that \$87(2)(b) already knew his name, and that his name was visible on his shirt. \$87(2)(b) supplied the investigation with PO Sica's name, \$87(2)(g)

Allegation A -Discourtesy: In the vicinity of Avenue M and East 80th Street in Brooklyn, Sergeant Jason Sanders gestured discourteously toward [887(2)(5)]

stated that while PO Sica and Sgt. Sanders were conducting a traffic stop, sar(2)(b) recognized PO Sica, spoke to him, and in response, Sgt. Sanders gave sar(2)(b) the middle finger (01 Board Review).

Sgt. Sanders denied giving \$87(2)(b) the middle finger (03 Board Review).

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§ 87(2)(g)
Allegation B- Abuse of Authority: On Paerdegat Avenue North between Paerdegat 11th Street and Paerdegat 12th Street in Brooklyn, Sgt. Jason Sanders refused to provide his
name and shield number to \$87(2)(b) \$87(2)(b) stated that he asked PO Sica and Sgt. Sanders for their name and shield numbers. PO Sica pointed to his name and shield number on his uniform, which was visible to \$87(2)(b) Sgt. Sanders similarly told \$87(2)(b) to read the information off of his shirt, but Sgt. Sanders angled his body so that \$87(2)(b) could not view it (01 Board Review).
filed this complaint the day after interacting with PO Sica and Sgt. Sanders. At the time that he filed the complaint, he was able to provide the names of PO Sica and PO Mark, who briefly responded to the location as backup, he was not able to provide Sgt. Sanders name.
Sgt. Sanders did not recall whether 887(2)(b) ever asked him or PO Sica for their name and shield numbers (03 Board Review).
PO Sica stated that \$87(2)(b) asked both he and Sgt. Sanders for their name and shield numbers. PO Sica told \$87(2)(b) that the information was visible on his shirt, and also explained to \$7(2)(b) that he already knew his name, which was evident from \$87(2)(b) having previously yelled PO Sica's name. PO Sica did not recall how Sgt. Sanders responded to \$87(2)(b) s request (04 Board Review).
stated that \$87(2)(b) asked both PO Sica and Sgt. Sanders for their name and shield numbers, and that both officers told \$87(2)(b) that the information was visible on their shirts. \$27(2)(b) was handcuffed at this time, and as such, was unable to record the information. \$87(2)(b) say that he could not see the information (02 Board Review).
§ 87(2)(g)
<u>Patrol Guide Procedure 203-09</u> states that officers must "courteously provide [their] rank, name, shield number, and command, or otherwise provide them, to anyone who requests [them] to do so. Allow the person ample time to note this information" (11 Board Review).
§ 87(2)(g)

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<u>People v. Rodriguez</u>, 18 Misc.3d 1124A (Sup. Ct. Bronx Cty. 2008); <u>People v. Miranda</u>, 19 N.Y.3d 912 (2012) An officer is permitted to search a person when a limited frisk for weapons reveals an object which feels like a weapon or when an object, such as a knife, becomes plainly visible to an officer during the issuance of a summons (**13 Board Review**).

<u>People v. Hurdle</u>, 2012 N.Y. App. Div. Lexis 1507 (App. Div. 1st Dep't. 2012) (**15 Board Review**);

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§ 87(2)(g)

<u>People v. Gray</u>, 41 Misc.3d 133 (A) (Sup. Ct. App. Term 1st Dep't. 2013) An officer may search a person incident to a lawful arrest (**12 Board Review**).

<u>People v. Reid</u>, 2014 NY Slip Op 08759 A search must be incident to an actual arrest, not just to probable cause that might have led to an arrest, but did not (**14 Board Review**).

Allegation C- Discourtesy: On Paerdegat Avenue North between Paerdegat 11th Street and Paerdegat 12th Street in Brooklyn, PO Anthony Sica spoke discourteously to 337(2)(5) stated that he left the area where Sgt. Sanders and PO Sica were conducting the vehicle stop. Sgt. Sanders and PO Sica stopped \$87(2)(b) shortly after, and \$87(2)(b) verbally expressed his discontent in being stopped. PO Sica told \$87(2)(b) to shut the "fuck" up and that \$87(2)(b) better "fucking" comply (01 Board Review). PO Sica stated that he did not tell \$37(2)(b) to shut the "fuck" up or that \$37(2)(b) better "fucking" comply, and did not use any other discourteous language while interacting with (04 Board Review). Sgt. Sanders stated that he did not hear PO Sica tell [8 87(2)(5)] to shut the "fuck" up or that \$\frac{1}{2} \text{ (since the point of the point o better "fucking" comply, and did not hear any other discourteous language used (03 Board) Review). did not hear \$87(2)(6) PO Sica, or Sgt. Sanders use any profanity (02 Board Review). § 87(2)(g) Allegation D- Force: On Paerdegat Avenue North between Paerdegat 11th Street and Paerdegat 12th Street in Brooklyn, an officer used a chokehold against § 87(2)(6) As noted in the explanation of subject officers section, the investigation was unable to determine the identity of the officer who allegedly used a chokehold against §87(2)(b) Allegation E- Abuse of Authority: On Paerdegat Avenue North between Paerdegat 11th

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Street and Paerdegat 12th Street in Brooklyn, Sergeant Jason Sanders threatened 887(2)(b)

If you try to fight me or any of my officers, just know" (01 Board Review).

stated that Sgt. Sanders placed his hand on his gun and said, "I'm going to release you.

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with the use of force.

Sgt. Sanders denied having said, "I'm going to release you. If you try to fight me or any of my officers, just know." Sgt. Sanders did not otherwise verbally threaten with the use of force. Sgt. Sanders placed his hand on his gun out of habit (03 Board Review).

PO Sica did not hear Sgt. Sanders state, "I'm going to release you. If you try to fight me or any of my officers, just know," and PO Sica did not hear Sgt. Sanders otherwise threaten with the use of force. PO Sica did not see Sgt. Sanders place his hand on his gun (**04 Board Review**).

§ 87(2)(g)			
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Squad: 12			
Investigator: _	Signature	Print	Date
Squad Leader: _	Title/Signature	Print	 Date

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